

ALTERNATIVE DISPUTE RESOLUTION PROGRAM  
**UNITED STATES DISTRICT COURT**  
NORTHERN DISTRICT OF CALIFORNIA

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November 28, 2016

To: Counsel of Record

Re: ADR Phone Conference Scheduling Notice

**Case No. 16-01282 EJD**  
**Smith v. Facebook, Inc.**

Dear Counsel:

I have received the Notice of Need for ADR Phone Conference filed in this case, and I have scheduled the ADR Phone Conference call for **December 7, 2016 at 12:00 PM Pacific Standard Time**. The conference will be conducted by one of the ADR Program's legal staff, whose biographies appear on the following page. Please take note that at the appointed time, all parties shall call the following number and use the access code to join the call:

**Dial-in Number: 641-715-3580**  
**Access Code: 378792**

Please contact me with any scheduling concerns at 415-522-2059, or email claudia\_forehand@cand.uscourts.gov. Thank you for your attention to this matter.

Sincerely,

/s/

Claudia Forehand  
ADR Program Case Administrator

## ADR PHONE CONFERENCE

A phone conference has been scheduled under ADR L. R. 3-5 because you indicated on your Notice of Need for ADR Phone Conference either (1) you have not reached an agreement to an ADR process or (2) you have tentatively agreed to a settlement conference before a magistrate judge.

### Purpose

The purpose of the conference is to help the parties select or design an ADR process most likely to benefit the particular case. The court offers the following ADR options:

Early Neutral Evaluation (ENE)  
Mediation

In only a limited number of cases that would most benefit from the option, the court also offers an Early Settlement Conference with a Magistrate Judge. If this is the option you prefer, during the ADR phone conference you will discuss your reasons for this preference and consider whether a different ADR process may be better suited for this case. If, after the ADR phone conference, you still prefer the option of an Early Settlement Conference with a Magistrate Judge, the ADR legal staff may make a recommendation to the judge regarding the case's suitability for this option. The assigned judge will then decide whether to refer the case to an Early Settlement Conference with a Magistrate Judge.

Additionally, with the court's approval, you may substitute a private ADR procedure for a court process.

### Participants (See ADR L.R. 3-5(d)(1))

Counsel who will be primarily responsible for handling the trial of the matter shall participate in the conference. Clients and their insurance carriers are encouraged to participate as well.

### Logistics (See ADR L.R. 3-5(d)(2))

For the convenience of the parties, the court has arranged for a dial-in conference line for this call. The call-in service that the court uses does require a long-distance telephone call. If the cost of calling the number presents a problem, please contact the ADR Office and other arrangements will be made. In the event that the conferencing service experiences technical problems, plaintiff's counsel shall assume responsibility for the call in keeping with ADR L.R. 3-5(d)(2). The Court will reserve on half-hour for each such conference call.

It is the responsibility of the attorney for the first-listed plaintiff to make sure all parties receive a copy of these instructions.

### Attorney and Client Preparation (See ADR L.R. 3-5(d)(3))

The phone conference will be conducted by one of the court's ADR Program legal staff. (Their biographies are below.) You will be asked your views as to which ADR process you favor and will be encouraged to ask questions about the available ADR options. To prepare for the conference, please review with your clients the ADR Local Rules and the booklet entitled Dispute Resolution Procedures in the Northern District of California or the designated portions of the ADR Internet Site ([www.cand.uscourts.gov/adr](http://www.cand.uscourts.gov/adr)).

## Exemption from the ADR Phone Conference Requirement

### 1) Stipulation to an ADR Process (See ADR L.R. 3-5(c))

You will be exempted from participating in the phone conference if, before the date of the conference, you file a stipulation and proposed order selecting an ADR process other than an Early Settlement Conference with a Magistrate Judge and send, fax or email a copy to the ADR Unit, at the address, fax number or email address listed below. If you intend to stipulate to an Early Settlement Conference with a Magistrate Judge, you must participate in an ADR phone conference.

### 2) Termination of Case

Please call the ADR Unit to remove the case from the phone conference calendar if your case is dismissed or otherwise terminated before the date set for the phone conference.

## BIOGRAPHIES OF ADR PROGRAM LEGAL STAFF

### Director, ADR Program          Howard A. Herman

Howard A. Herman has been with the Northern District since February 1997. Mr. Herman previously served as Director of ADR Programs for Contra Costa County Superior Court. He also spent four years as a settlement conference attorney for the United States Court of Appeals for the Ninth Circuit, ultimately serving as the co-director of that court's settlement conference program. Mr. Herman has practiced as a civil litigator with the firms of Graham & James and Kindel & Anderson in San Francisco. He is a 1983 graduate of Hastings College of the Law and a 1979 graduate, with high honors, of the University of California at Berkeley. Mr. Herman currently teaches negotiation and mediation at Hastings College of the Law. He has experience as a mediator, mediation trainer, and early neutral evaluator.

### ADR Staff Attorney: Tamara Lange

Tamara Lange previously practiced for nearly 20 years as a civil litigator with Heller Ehrman, Caldwell Leslie, the ACLU's LGBT & AIDS Project, and the National Center for Youth Law. She also served as a Lead Deputy for Santa Clara County Counsel, where she developed and managed the Impact Litigation & Social Justice Section. In addition to being a member of this court's Mediation and ENE panels, Ms. Lange has served as a settlement conference officer for the San Francisco Superior Court, and on the mediation panels of the Alameda County Superior Court and the San Francisco Police Department's Office of Citizen Complaints. She currently teaches negotiations at Berkeley Law.

Ms. Lange received her J.D. from Berkeley Law in 1995, where she was Order of the Coif, and her BS/BA with honors from Cornell University in 1990, where she was a College Scholar. She clerked for the Hon. Richard A. Paez and the Hon. William A. Fletcher.